

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ETIENNE ROTHSCHILD,  
Plaintiff,  
v.  
STEPHANIE ANN GILDRED, et al.,  
Defendants.

Case No. 23-cv-01713-LJC

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO FILE  
SECOND AMENDED COMPLAINT**

Re: ECF No. 19

At the Initial Case Management Conference for this matter, held on July 13, 2023, the Court granted Plaintiff Thomas Etienne Rothschild leave to file a Second Amended Complaint by July 20, 2023, as the First Amended Complaint had inadvertent omissions. ECF No. 16. Plaintiff missed this deadline. On July 21, 2023, Plaintiff filed a “Motion for Extension of Time to Amend,” requesting an extension until July 27, 2023, due to “[w]eather reasons of heat extremity and illness.” ECF No. 19 at 1.<sup>1</sup>

Plaintiff’s Motion for Extension of Time to Amend does not comply with the requirements of Civil Local Rule 6-3 for motions to enlarge or shorten time. In particular, Plaintiff’s motion is not accompanied by a proposed order or a declaration that “[s]ets forth with particularity the reasons for the requested enlargement... of time” and “[i]dentifies the substantial harm or prejudice that would occur if the Court did not change the time.” L.R. 6-3(a)(1), (a)(2).

However, Plaintiff is proceeding pro se, and “[c]ourts have a duty to construe pro se pleadings liberally, including pro se motions as well as complaints.” Bernhardt v. Los Angeles Cnty., 339 F.3d 920, 925 (9th Cir. 2003). Because Plaintiff has provided the Court with a

<sup>1</sup> Unless specified otherwise, the Court refers to the PDF page number generated by the Court’s e-filing system when the document is electronically filed on the court docket.

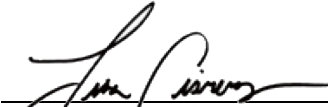
1 particularized reason for the requested extension, there is no prejudice to the Defendants since  
2 they have not yet been served, and given Plaintiff's pro se status, the Court will in its sound  
3 discretion grant Plaintiff's Motion for an Extension of Time to Amend. See Mogel v. Hanni, No.  
4 C 13-01646 LB, 2014 WL 120682, at \*3 (N.D. Cal. Jan. 10, 2014) (granting pro se plaintiff's  
5 motion to amend the complaint under Federal Rule of Civil Procedure 15(a) despite failure to fully  
6 comply with the local rules where "the court [was] unwilling to rely on a minor technical  
7 deficiency to deny a motion to amend filed early in the case by a pro se litigant" and "[s]uch an  
8 error falls well within the leeway that federal courts give to pro se litigants.")

9 Accordingly, Plaintiff shall file the Second Amended Complaint no later than July 27,  
10 2023. Plaintiff is nevertheless reminded that "pro se litigants are required to comply with... all  
11 applicable procedural rules, including the Federal Rules of Civil Procedure, the Civil Local Rules,  
12 and this Court's Standing Orders." Woodruff v. De Facto Barrett Daffin Frappier Treder &  
13 Weiss, LLP, No. 21-CV-06862-SBA, 2022 WL 547114, at \*2 (N.D. Cal. Jan. 10, 2022) (citing  
14 King v. Atiyeh, 814 F.2d 556, 567 (9th Cir. 1987)). The Court's Civil Local Rules are available at  
15 <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

16 **IT IS SO ORDERED.**

17 Dated: July 24, 2023

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LISA J. CISNEROS  
United States Magistrate Judge